

United States District Court
Southern District of New York

Annamarie Trombetta

Plaintiff

vs.

Norb Novocin, Marie Novocin and
Estate Auctions Inc.

William Sieppel and WorthPoint Corporation
5 Concourse Parkway NE, Suite 2850
Atlanta, Georgia 30328

Defendants

Case No. 18-cv-0993-RA-HBP

**PLAINTIFF'S RESPONSE IN OPPOSITION
TO DEFENDANT'S MOTION TO DISMISS
PLAINTIFF'S AMENDED COMPLAINT**

JURY TRIAL REQUESTED

Plaintiff, Annamarie Trombetta, a Pro Se Litigant files this response in opposition to Defendants

Fed. R. Civ. P. 12(b)(6) motion to dismiss the amended complaint for failure to state a claim. First, although the Plaintiff is Pro Se, a complaint should never be dismissed because the court is doubtful that the plaintiff will be able to adhere to legal protocol as there are factual allegations. When a defendant moves to dismiss for failure to state a claim upon which relief can be granted under Fed. R. Civ. P.12(b)(6), a court must “accept all allegations in the complaint as true and draw all inferences in the non-moving party’s favor.” LaFaro v. N.Y. Cardiothoracic Grp., PLLC, 570 F.3d 471,475 (2d Cir. 2009)

The complaint will survive the motion to dismiss as long as it contains “sufficient factual matter, accepted as true, to state a claim to relief that is plausible on its face.” Ashcroft v. Iqbal, 556 U.S.662, 678 (2009). In ruling on a motion to dismiss, a “district court may consider the facts as asserted within the four corners of the complaint together with the documents attached to the complaint as exhibits, and any documents incorporated in the complaint by reference.” Peter F. Gaito Architecture, LLC v. Simone Dev. Corp.” In a copyright infringement action, the works themselves supersede and control contrary descriptions of them” contained in the pleadings. Copyright protection extends to “original works of

authorship fixed in any tangible medium of expression,” such as musical or literary works.

(16 Casa Duse, LLC v. Merkin, 791 F.3d 247, 256 (2d Cir. 2015); 17 U.S.C. § 102(a)(2). Here, the plaintiff seeks protection for a literary composition that the Plaintiff wrote which contains the factual details of Plaintiff’s life. My Biography consists of the life circumstances -individual to and of the Plaintiff’s unique life. It is from these elements that originality does not need to be determined. The “sine qua non” of all copyright protection is originality and the biography of the Plaintiff is so specific it could be no other person.. Aside from copyright infringement, this infringement was done to obtain monetary gain which is prohibited by law and is defined and classified as Identity Theft. Plaintiff respectfully request that this Court deny Defendants’ motion to dismiss. Plaintiff will identify and state below the history of her “notice of false information ” and removal procedures to both Defendants, Defendants Worthpoint .com and Will Siepple named in the Amended Complaint. The notice and takedown request that preceded this lawsuit gave the Plaintiff/copyright owner a way to disable access to infringing content. The steps taken by the Plaintiff were done in good faith and attempted to simple stop the unauthorized use of the Plaintiff’s personal identifying information on my professional website in which the Plaintiff is the author . Despite Plaintiff’s efforts to prevent further reposting it happened again after Defendants were informed of it’s falsity contained in the internet description. Both parties ignored and or denied any wrongdoing, the Plaintiff filed this lawsuit. The Plaintiff will re-state the allegations, the infringements and the claims upon which relief can be granted.

I. PROCEDURAL AND FACTUAL BACKGROUND

1. In 2015 Plaintiff found a false posting listed under her name and profession, Artist Annamarie Trombetta stating that in 2012 a painting entitled “1972 Original Oil Painting Man With Red Umbrella Signed Annamarie Trombetta” was sold. The Plaintiff did not create this image and was nine years old

and not working in oil paint until she was in high school. This is duly documented on Plaintiff's website.

2. The Plaintiff contacted eBay and through research saw that both Estate Auctions Inc. and Worthpoint .com had business connections to eBay. Months of long phone calls with eBay did not reveal whose website was hosting the false misappropriation of the 1972 Painting . Plaintiff wanted this false link removed as it interfered with her bonafide credentials. The painting was damaged and sold for a nominal \$181.50. None of the Plaintiff's prices for Plaintiff's artwork are listed online and this low bid undervalued my artwork. The listing indicated that the painting was "signed on the bottom, and also on the back it has written in red on the stretcher, Annamarie Trombetta 'Gifted' 1977, 'Painted' 1972." The description states there were 12 photos and two signature. I found no photos of the painting only a description . There was a photo of a signature "A. Trombetta" which was not my signature. The image size was 48.5 inches tall by 17.5 inches wide said to be in the style of Andre Kohn. There was a TEAR in the canvas about 5/8 inches long that Estate Auction described as "shabby chic". My very personal and specifically detailed biography was copied and misattributed to "A. Trombetta". Estate Auction Inc.'s misattribution and as well as its unauthorized use of my name, website text, constitute violations of my legal rights. The value of the misattributed painting was \$181.50 for a painting with the dimension 48.5 inch by 17.5 inch canvas. My price for this size painting far exceeds this amount and undervalues the financial credibility and worth . To associate my name with a damage painting damages my reputation and the work purchased by my collectors.

3. Plaintiff prior to filing this lawsuit reached out to the both Defendants, first, William Sieppel of Worthpoint .com and to Marie and Norb Novicin of Estate Auctions Inc. to inform these parties that the Plaintiff was not the artist and did not create the painting advertised and sold on eBay. The oil painting entitled "1972 Original Oil Painting Man With Red Umbrella Signed Annamarie Trombetta"

was misattributed , described as "shabby chic" and was not by the hand of the Plaintiff. This falsity was posted on the internet under the Plaintiff's name Annamarie Trombetta , second Artist, Annamarie Trombetta and under "1972 Original Oil Painting Man With Red Umbrella Signed Annamarie Trombetta" in which the Plaintiff's legitimate credentials on the internet were linked to the "1972 Man With Red Umbrella " false painting, that was misappropriated to the Plaintiff . Three separate webpages.

The three website separate pages/postings are **EXHIBIT #1**

4. The Plaintiff Dec, 2015/Feb 2016 contacted Worthpoint .com by phone and wrote e-mail requesting a take down notice in which Ticket # 57565: Subject Fraudulent artwork Artist Annamarie Trombetta was received.**EXHIBITS #2 (DOCUMENT 29-1-#3FILED LAST ON DECEMBER 3,2019).** Plaintiff directly e-mailed Will Siepple regarding the removal of the false internet listing in February 2016. The outreach to Will Siepple took place after the Plaintiff spoke with Worthpoint employee Anita B in Dec. 2015 . In Feb. 2016 Plaintiff spoke at length with Gregory Watkins Website Master for Worthpoint .com. These repeated actions by phone and in writing are Proof and Elements of Notification for a Take Down by the Plaintiff /Copyright holder and biographer of the personal identifying information falsely used by Estate Auctions Inc. to sell a painting . Secondly to promote the sale of the artwork by the Plaintiff and allegedly have my followers go to the Worthpoint website.

5. In the fall of 2016—within the same year—this same false listing was reposted on the internet once again under the Plaintiff's name. Worthpoint .com were duly informed that the information contained in this posting was false in January February 2016 and disregarded the take down request.

6. In the fall of 2016 I e-mailed and phoned Estate Auctions Inc. Marie Novicins to confirm the actual existence and sale of the painting and to inform this company that I was not the artist .

7. A phone call on Jan. 10, 2017 was recorded and submitted by the Plaintiff to the court from Norb

Novicin in which he denied any wrong doing and told the Plaintiff to "Go For It and Hire an Attorney". The phone call proved that Defendant Norb Novicin was the seller and the painting was sold to a woman. Mr. Novicin did NOT state that he make a mistake, nor did he apologize when I informed him that despite the use of my personal identifying biography I was not the artist who created the 1972 oil painting. Due to the reposting and his suggestion in the summer of 2017 Plaintiff interviewed attorneys.

8. In September 2017, Plaintiff 's attorney sent via e-mailed and mail a settlement letter. In time my attorney confirmed via phone that the Novicins were in receipt of the letter and spoke at length with Marie Novicin to confirm the content of the letter and to convey via conversation the extent of damage this posting had caused the Plaintiff, all of which was ignored. No monetary offer was presented.

9. Following this Plaintiff made a Better Business Bureau report in the late autumn of 2017. Marie Novicin made false statements in her response to the Better Business Bureau. The false statements plus the unauthorized use of the Plaintiff's name in conjunction with the monetary sale of a painting and the unauthorized false posting on the internet is a triple violation to the Plaintiff and identity theft.

10. The phone recording by Norb Novicin to Plaintiff Annamarie Trombetta duly documents that the Plaintiff informed the Defendant and the Defendant suggested that the Plaintiff hire an attorney. The willful denial and intentional disregard of any wrongdoing or confession of a mistake by Defendants Marie and Norb Novicin is the root cause of this lawsuit. This coupled with the fact that the Plaintiff did hire an attorney demonstrates the Defendants were informed about the false misattribution and posting. The reluctance of the Defendants (EA Inc,) to assume responsibility for their actions as well as not being willing to offer a reasonable monetary settlement that includes liability, perpetuates this lawsuit.

11. In listening to the phone recording between the Plaintiff and Worthpoint .com webmaster Greg Watkins, Worthpoint .com "Bought" the information of the sale of this artwork. Worthpoint. com added

to the photograph of the signature in oil on canvas "A. Trombetta" a copyright symbol c in a circle and the statement " Copyrighted work licensed by Worthpoint.". The photo signature "A Trombetta" which is not by the hand of the Plaintiff presented with the unauthorized use of my personal identifying information from my website biography jointly and visually configured next to signature "A. Trombetta" with a c in a circle symbol with the statement Copyrighted work licensed by Worthpoint. violates several of the key elements of copyright infringement. First the use of my biography was unauthorized, secondly I did not create this painting, third the signature is not by the Plaintiff and fourth, the Plaintiff duly contacted and informed three staff members by phone and in written e-mails that this was a false posting. Months later it was found under the Plaintiff's name -profession etc.

(DOCUMENT 29-1 -# 3—FILED LAST ON DECEMBER 3, 2019—RePosting of False Painting/Artist Email to Will Seippel on Jan. 4 2017 **EXHIBITS #3 & 4** (DOCUMENT 29-1 -# 5—Plaintiff's Bio with Photo of A. Trombetta FILED LAST ON DECEMBER 3, 2019) (DOCUMENT 29-1 -# 8 CLOSE UP VIEW of signature A. Trombetta with copyrighted work licensed by Worthpoint—FILED LAST ON DECEMBER 3, 2019).

12. In the Plaintiff's Proposed Amended Complaint, Plaintiff added another Defendant due to the willful and intentional reposting of a "false" internet posting at the end of 2016. To restate : at the beginning of the year in 2016 , the Plaintiff informed the company, two of its employee's via phone calls that the Plaintiff Annamarie Trombetta did not create "1972 Original Oil Painting Man With Red Umbrella Signed Annamarie Trombetta" . Proof of this request made in February 2016 is evidenced by Ticket # 57565: Subject Fraudulent artwork Artist Annamarie Trombetta. Prior to this lawsuit Plaintiff was NOT aware if Estate Auctions Inc and Worthpoint .com who both have connections to ebay worked in concert with one another. Attorney Anderson Duff revealed in an e-mailed on March 1, 2019:

“ We now understand that at least one third-party internet site scraped information about the December 1, 2012 eBay sale that contained the mis-attribution naming Ms. Trombetta and reposted the same on its website at least twice. Because Estate Auctions has no control over this third party, Ms. Trombetta had difficulty removing this information from the website. “.

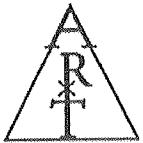
Plaintiff upon the opportunity to amend her complaint adds a new Defendant who is responsible for the repostings . The new Defendant had been duly informed that the information was false, that the Plaintiff was not the artist and that this posting should not be listed under Plaintiff’s name etc. The Plaintiff set forth and confirms evidence of the willful , intentional fraud which infringes upon Copyright laws and the rights of the Plaintiff. I contacted Will Siepple for a second time on January 2017, in writing, to remove the false posting from the internet once again.

13. Plaintiff in her April 24, 2019 submitted a document dated May 9, 2017 . Plaintiff, Annamarie Trombetta has submitted on April 24, 2019 in Case 1:18-cv-00993-RA-SLC Document 22 Filed 04/24/19 Page 8 of 38 states that the posting was on the internet until the spring of 2017. On Page 31 of 38 Exhibit N Case 1:18-cv-00993-RA-SLC Document 31 Filed 04/24/19 is the date of the print out from the internet 5/09/17. The Plaintiff petitions the court to review these documents. The Plaintiff’s lawsuit commenced on February 5, 2018 which is within the one year statue of limitation for the claim. Further in January 4, 2017 the Plaintiff contacted Will Seippel at will@worthpoint.com and did not receive any response. The May 9, 2017 re-posting prompted the Plaintiff to hire an attorney who in turn contacted Estate Auctions Inc. regarding the take down of the post and a settlement letter . Regarding the New York Artist’s Authorship Right Act this law is applicable to the artists that reside in the state of New York.

EXHIBIT #5 webpage for “1972 Original Oil Painting Man with Red Umbrella....with Artist credentials.

14. Since the creation of my website in 2003 I have always had my logo Triangle(BELOW and my website always had the statement ©Annamarie Trombetta. All rights reserved written on the biography and other pages. My contact page has my telephone number and e-mail address. The Defendants Norb

and Marie Novicin could have contacted me to verify if I was the artist . They failed to check if I was the artist that created this painting. After being informed that I did not create the painting there was no remorse or admission of a mistake. There was the suggestion to “Go for It and Hire An Attorney”.



I wish to acknowledge certain individuals who have enhanced my artistic sensibilities as a person, as well as an artist. These individuals include Everett Raymond Kinstler, Raymond Steiner, Harvey Dinnerstein, Burton Silverman, the artist's in The Painting Group particularly Aaron Shikler, David Levine, Danny Schwartz, Irene Hecht. I thank them for their help and guidance in my life. (LAST STATEMENT FROM PLAINTIFF'S BIO ON WEBSITE)
All work on this site are ©Annamarie Trombetta. All rights reserved.



15. In late January 2017 Plaintiff , after the reposting of the false internet listing of the misattributed painting Plaintiff contacted the dmcc.com website and had the DMCA logo badge above added to the Plaintiff's website in order to protect against future copyright infringements. The DMCA website states that any notification of a takedown request that is consistently ignored allows the infringed copyright owner the right to civil litigation .The Defendants, particularly Worthpoint .com with the visual and statement “ Copyrighted work licensed by Worthpoint. com.” violated the notice and the written take down request evidenced in the e-mails from February 2016 —January 2017 and the Document dated May 9, 2017 which lists “1972 Original Oil Painting Man With Red Umbrella Signed Annamarie Trombetta” with the five of the Plaintiff's bonafide and important credentials. **EXHIBITS #5**

16. On February 5, 2018 Plaintiff filed a Complaint against Defendants Marie and Norb Novicin and Estate Auctions Inc. alleging claims under the Title 17 106A Rights of Certain authors to attribution and Integrity, The Lanham Act, The Visual Artists Rights Act (VARA), The New York Civil

Rights Law (NYCRL) and the New York Artist's Authorship Rights Act.

17. On May 22, 2018 Defendant's Attorney Anderson Duff filed a Motion to Dismiss in it's Entirety. The Plaintiff Response to Dismiss was filed on June 19, 2018.

18. On January 17, 2019 Plaintiff entered into the court records her certificate of registration from the U.S. Government Copyright Office.

19. On April 24, 2019 Plaintiff filed a 13 page letter with exhibits to The Honorable Judge Ronnie Abrams and sent a copy to Attorney Anderson Duff. Within the April 24, 2019 documents was a copy of Plaintiff's original U.S. Copyright Certificate Registration with Number TX-8-655-807 Effective date June 18,2018 submitted as -EXHIBIT J—Page 24 of 38 pages. Defendants and Defendant's Attorney Anderson Duff did not respond to the Plaintiff 's letter / documents and exhibits in opposition to Defendant's motion to dismiss Plaintiff's Complaint.

20. On April 25, 2019 a settlement conference was held by the Honorable Judge Ronnie Abrams, present was the Plaintiff and the Defendant's Attorney Anderson Duff and the Defendants Norb and Marie Novicin via a phone conference call. The Defendants offered one hundred dollars to settle the case. The Plaintiff rejected the Defendants' offer.

21. During the summer of 2019 Plaintiff was contacted by the Delaware Bankruptcy Court. Plaintiff wrote to Judge Brendan L. Shannon regarding her lawsuit in Southern District of New York. Efforts were implemented to "Lift the Stay" in the Plaintiff's lawsuit .

22. On October 2, 2019 the court issued a Memorandum & Opinion which lifted the Stay on the case. Defendants filed for Bankruptcy in Delaware on January 2019 and the case could not proceed forward. Plaintiff was permitted to file a motion seeking leave to amend my complaint.

23. On December 3, 2019 Plaintiff filed a motion for leave to file an amend her complaint. In the

documents the Plaintiff added a New Defendant Will Siepple and Worthpoint .com . Plaintiff filed and referenced her U.S. Copyright Registration Number TX-8-655-807 again and stated it was submitted on 04/09/19. Another copy of Plaintiff's website Copyright Registration Certificate was duly attached as EXHIBIT H.

24. On January 17, 2020 Plaintiff filed a Proposed Amended Complaint which included the New Defendant and the related claims to New York Artist Authorship Right Act Trademark Infringement and The Lanham Act New York Civil Rights Law and New York Rights of Publicity Law § 50 § 51. The Defendant's attorney Anderson Duff stated that the Plaintiff did not reference or submit her U.S. Copyright Certificate Registration with Number TX-8-655-807 Effective date June 18,2018. Plaintiff did submit the Copyright Certificate twice before and with the December 3, 2010 submission. Plaintiff is a Pro Se' Litigant and is not familiar with the legal protocol as a certified lawyer. This is a procedural defect. Plaintiff will again plead her claims and reference her U.S. Copyright Registration **EXHIBIT 8** Number TX-8-655-807. Plaintiff due to the inclusion of the New Defendant restated the claims listed above as Plaintiff believes that the infringements and violations relate to the actions and New Defendant Worthpoint .com and Will Siepple. The second re-posting after the defendant was informed of the falsity listing and that Plaintiff was NOT the artist should have prevented the second posting in 2016.

Copyright Infringement

Plaintiffs has sufficiently alleged claims of direct copyright infringement, contributory copyright infringement, and DMCA violations against the Individual Defendants, and, as such, those claims should not be dismissed pursuant to Federal Rule of Civil Procedure 12(b)(6). Plaintiff begins with the rights of Intellectual property which refers to creations of the mind: inventions, literary and artistic works, symbols, names, pictures, models and industrial designs.

A. Intellectual property

Intellectual property is divided into two categories:

- Industrial Property, which includes: inventions (patents), trademarks, industrial designs and models and geographic indications of source.
- Copyright, which includes: literary and artistic works, namely novels, poems, plays, films, musicals, cartoons, paintings, photographs, statues and architectural designs.

Plaintiff's biography was first printed in a catalog from 2003 . This is duly noted on the Plaintiff;s website regarding the catalog. Plaintiff's biography was altered and modified without the Plaintiff's authorization . The statement regarding the catalog was also copied and noted by Defendants Norb and Marie Novicin and unauthorized to be used by the Plaintiff. Some of the specific facts falsely used and can only be attributed to the Plaintiff are A) I was born in Brooklyn, New York B) I was inspired as a child by the artwork and paintings inside Regina Pacis Church in Brooklyn New York C) The year I was born is listed- 1963 D) My family did moved to Staten Island E) I had a cancerous tumor on my left leg as a teenager F) I attended the Brooklyn Museum School of Art while in high school G) In the Eighties I went to Europe. The Plaintiff created a literary work and biography that was in a catalog and on Plaintiff's website The first violation of rights by the Defendants upon the Plaintiff is that of Intellectual Property.

B. Direct Copyright Infringement.

Based on **EXHIBIT 6** 1) Annamarie Trombetta's website and the 2) description created by Estate Auction Inc and posted via the internet on Worthpoint .com website , the plaintiff has plausibly pled that the defendants' work contains a literal or nearly literal copy of the identified portion of the plaintiff's work. Plaintiffs have pled sufficient facts that the Individual Defendants' acts constituted direct copyright infringement. "To establish a claim for direct copyright infringement, a plaintiff must prove that: (1) she

owns a valid copyright and (2) the defendant copied constituent elements of the plaintiff's work that are original." Gen. Universal Sys. v. Lee, 379 F.3d 131, 141 (5th Cir. 2004). Plaintiff Annamarie Trombetta owns copyright of the entire website for www.trombettaart.com. The Plaintiff owns and has filed with the court her U.S. The Plaintiffs Copyright Certificate Registration with Number TX-8-655-807 effective date June 18,2018. This registration is evidence of that ownership 17 U.S.C. § 410(c). Plaintiff has been granted the exclusive right to publish biography that is also in a catalog with the same information on her website. Plaintiff has alleged that the Individual Defendants have reproduced without permission the biography of Artist Annamarie Trombetta , Plaintiff which was the entire opening paragraphs of her biography from her professional artist website. Both Defendants violated my claim of authorship of my name and literary work. Both Defendants altered and modified my work which subjected my work and my reputation to defamation. The Plaintiff has stated in her initial complaint that she lost a sale of artwork in 2015. Contrary to the Individual Defendants' protestations to the Plaintiffs' copyright infringement allegations—as pled in the Amended Complaint—they are sufficiently settled as a matter of law. Below are the laws and the scope of Copyright that violated the Plaintiff's rights to include 1 —A and B and especially 2— and 3 the right to prevent the use. The new defendant violated that and the Plaintiff filed evidence for this claim and that this violation was "Intentional".

EXHIBIT 6 Resubmission of Annamarie Trombetta Catalog Biography

Title 17. COPYRIGHTS Chapter 1. SUBJECT MATTER AND SCOPE OF COPYRIGHT Section

106A. Rights of certain authors to attribution and integrity(a) Rights of Attribution and Integrity.— Subject to section 107 and independent of the exclusive rights provided in section 106, the author of a work of literary or visual art—

(1) shall have the right—

- (A) to claim authorship of that work, and
- (B) to prevent the use of his or her name as the author of any work of visual art which he or she did not create;

(2) shall have the right to prevent the use of his or her name as the author of the work of visual art in the event of a distortion, mutilation, or other modification of the work which would be prejudicial to his or her honor or reputation; and

(3) subject to the limitations set forth in section 113(d), shall have the right—

- (A) to prevent any intentional distortion, mutilation, or other modification of that work which would be prejudicial to his or her honor or reputation, and any intentional distortion, mutilation, or modification of that work is a violation of that right, and

B. Contributory Copyright Infringement.

"To establish a claim for contributory copyright infringement, a copyright owner must show that the defendant, (1) with knowledge of the infringing activity, (2) induces, causes or materially contributes to infringing conduct of another." Suncoast Post-Tension, Ltd. v. Scoppa, No. 4:13-CV-3125, 2014 WL 12596472, at *4 (S.D. Tex. July 17, 2014) (citing Alcatel USA, Inc. v. DGI Techs., Inc., 166 F.3d 772, 790 (5th Cir. 1999)). Regarding the first element, a plaintiff need not show "actual knowledge" of the infringement; rather, a plaintiff need only show that the defendant had reason to know of the infringement. The Plaintiff has filed evidence that Will Siepple and Worthpoint .com employees were informed that the internet post was false . For contributory infringement, the plausibility standard of Twombly and Iqbal "simply calls for enough fact to raise a reasonable expectation that discovery will reveal evidence of the necessary claims or elements." Flagg v. Stryker Corp., 647 F. App'x 314, 316 (5th Cir. 2016) (internal quotation marks omitted). For the reasons set forth below, Plaintiffs' allegations are facially plausible to allow the Court to reasonably infer that the Individual Defendants are liable for contributory infringement, or at the very least, raise a reasonable expectation that discovery will reveal the necessary evidence supporting such liability. Plaintiff directly e-mailed Will Siepple regarding the removal of the false internet listing in February 2016. The outreach to Will Siepple took place after the Plaintiff spoke with Worthpoint employee Anita B in Dec. 2015 . In Feb. 2016 Plaintiff spoke at length with Gregory Watkins Website Master for Worthpoint .com. These repeated actions by phone and in

writing are Proof and Elements of Notification for a Take Down by the Plaintiff /Copyright holder and biographer of the personal identifying information falsely used by Estate Auctions Inc. to sell a painting . Secondly Plaintiff believes that by promoting the sale of the misattributed artwork by the Plaintiff and the Defendants allegedly have my followers go to the Worthpoint website. The fact that Worthpoint reposted the false link on the internet months after they were informed by the Plaintiff constitutes contributory copyright infringement violations.

C. DMCA violations. Digital Millennium Copyright Act of 1998

Digital Millennium Copyright Act: Is part of US Copyright Law. It addresses penalties for copyright infringement found on the Internet.

Plaintiffs' claims under the DMCA are also clearly established statutory law. Enacted in 1998, the DMCA confers specific rights to authors and copyright owners. Section 1202(a) prohibits any person from, "knowingly and with the intent to induce, enable, facilitate, or conceal infringement" providing or distributing copyright management information that is false. 17 U.S.C. § 1202(a).

Similarly, Section 1202(b) prohibits the intentional removal or alteration of copyright management information as well as the distribution or performance of works of authorship "knowing that the copyright management information has been removed or altered without authority of the copyright owner or the law, knowing, or ... having reasonable grounds to know, that it will induce, enable, facilitate, or conceal an infringement ""Copyright management information" is a defined term under the DMCA that includes, among other things, the name of, and other identifying information about, the author and copyright owner of a work including the information set forth in a notice of copyright. 17 U.S.C. § 1202(c). There is nothing in the statutory definition that excludes CMI that is "typewritten." In Guzman v. Hacienda Records, LP, No. 6:13- CV-41, 2015 WL 789113 (S.D. Tex. Feb. 24, 2015), t

3) Elements of notification.—Digital Millennium Copyright Act

(A) To be effective under this subsection, a notification of claimed infringement must be a written communication provided to the designated agent of a service provider that includes substantially the following:

(i) A physical or electronic signature of a person authorized to act on behalf of the owner of an exclusive right that is allegedly infringed.

(ii) Identification of the copyrighted work claimed to have been infringed, or, if multiple copyrighted works at a single online site are covered by a single notification, a representative list of such works at that site.

(iii) Identification of the material that is claimed to be infringing or to be the subject of infringing activity and that is to be removed or access to which is to be disabled, and information reasonably sufficient to permit the service provider to locate the material.

The Individual Defendants Estate Auctions Inc. intentionally removed Plaintiffs' copyright notice, provided false attribution, and published a near verbatim copy of Plaintiffs' literary work. Plaintiff's biography was altered and modified without authorization to include false facts. The "All rights on this site are Annamarie Trombetta All rights reserved was removed by Estate Auctions Inc . Worthpoint .com added the slogan " Copyrighted work licensed by Worthpoint. com." to the photo signature "A. Trombetta" . Despite the description stating there were 12 photos, the signature A. Trombetta was the only photo with the fraudulent painting and the Plaintiffs altered biography. The Digital Millennium Copyright Act of 1998 is set out in two separate paragraphs, the first dealing with false CMI and the second with removal or alteration of CMI. (Copyright Management Information) Both Defendants individually violated both sections. Plaintiff has fulfilled the elements of notification to the infringing party Worthpoint com. Plaintiff already filed in her Amended Complaint the written communication and e-mails to Will Sieppel and Gregory Watkins the Worthpoint webmaster. The false posting was reinstated on the internet months after the notification was communicated by phone and written by the Plaintiff. Subsection (a) prohibits the knowing provision or distribution of false CMI, if done with the intent to induce, enable, facilitate or conceal infringement. Subsection (b) bars the intentional removal or alteration of CMI without authority, as well as the dissemination of CMI or copies of works, knowing that the CMI has been removed or altered without authority. Liability under subsection (b) requires that the act be done with knowledge or, with respect to civil remedies, with reasonable grounds to know that it will induce, enable, facilitate or conceal an infringement.

Given that the rights that the Plaintiffs have alleged the Individual Defendants violated were clearly established, the only remaining issue is whether the Individual Defendants had "an objectively reasonable belief that they were in compliance with copyright law. The Individual Defendants intentionally removed Plaintiffs' copyright notice(EA Inc. Novicins) , provided false attribution(Worthpoint, Will Sieppel), and

published a near verbatim copy of Plaintiffs' literary and biographical work. Accordingly, and taking the facts as alleged in Plaintiffs' Amended Complaint as true, Plaintiff again has alleged that the Individual Defendants removed Plaintiffs' copyright notice, provided false attribution, reproduced, distributed, and displayed a near verbatim copy of the Plaintiff's personal identifying Biography without authorization of the copyright owner and after the Plaintiff informed Worhtpoint .com that this was false and requested a permanent removable. Such actions violate the exclusive rights granted to Plaintiffs as the copyright owner and exclusive licensee under the U.S. Copyright Act and constitute direct copyright infringement. 17 U.S.C. §§ 106, 501. For the reasons stated herein, the Individual Defendants cannot be shielded from liability by Qualified Immunity as their actions in unlawfully removing Plaintiffs' copyright, replacing it with a false attribution, and publishing the work without authorization, were objectively unreasonable in light of clearly established copyright law.

Section 1202(b) provides:

No person shall without the authority of the copyright owner or the law—

1. intentionally remove or alter any **copyright management information**,
2. distribute or import for distribution copyright management information knowing that the copyright management information has been removed or altered without authority of the copyright owner or the law, or
3. distribute, import for distribution, or publicly perform works, copies of works, or phonorecords, knowing that copyright management information has been removed or altered without authority of the copyright owner or the law--knowing, or, with respect to civil remedies under section 1203, having reasonable grounds to know, that it will induce, enable, facilitate, or conceal an infringement of any right under this title.⁴

Section 1202(c) defines the term "copyright management information" to include any of the following information conveyed "in connection with" copies, displays, phonorecords, or performances of a work:

1. The title and other information identifying the work, including the information set forth on a notice of copyright.
2. The name of, and other identifying information about, the author of a work.
3. The name of, and other identifying information about, the copyright owner of the work, including the information set forth in a notice of copyright.

Section 1203 gives courts the power to grant a range of equitable and monetary remedies similar to those available under the Copyright Act, including statutory damages. The court has discretion to reduce or remit damages in cases of innocent violations where the violator proves that it was not aware and had no reason to believe its acts constituted a violation. Plaintiff has already established and submitted proof to

the court that Worthpoint .com and Will Siepple were contacted via phone and writing. Section 1203 is applicable and make EA Inc., Worthpoint .com and Will Siepple liable for the violations stated below. (Section 1203(c)(5)(A)). In addition, it is a criminal offense to violate section 1201 or 1202 willfully and for purposes of commercial advantage or private financial gain. Under section 1204 penalties range up to a \$500,000 fine or up to five years imprisonment for a first offense, and up to a \$1,000,000 fine or up to 10 years imprisonment for subsequent offenses.

D. Defamation

The five requisite elements of a defamation a plaintiff must show four things:

- 1) a false statement purporting to be fact;
- 2) publication or communication of that statement to a third person;
- 3) fault amounting to at least negligence; and
- 4) damages, or some harm caused to the person or entity who is the subject of the statement.

The following statements below by Estate Auction were used to describe and sell the falsely attributed DAMAGED painting. Estate Auctions Inc. stated on an eBay seller page listed the Lot “ Man with Red Umbrella” dated in 1972. of as being “by Annamarie Trombett” and “signed Annamarie Trombett.”

The listing indicated that the painting was “signed on the bottom, and also on the back it has written in red on the stretcher, Annamarie Trombett ‘Gifted’ 1977, ‘Painted’ 1972.” The description states there were 12 photos and two signature. I found no photos of the painting only a description . There was a photo of a signature “A. Trombett” which was not my signature. The image size was 48.5 inches tall by 17.5 inches wide said to be in the style of Andre Kohn. There was a TEAR in the canvas about 5/8 inches long that Estate Auction described as “ shabby chic”. My very personal and specifically

detailed biography was copied and misattributed to “A. Trombett”. Estate Auction Inc.’s misattribution and misdescription of the Lot, as well as its unauthorized use of my name, website text,

constitute violations of my legal rights. The value of the misattributed painting was \$181.50 for a 48.5 inch by 17.5 inch canvas. My price for this size painting far exceeds this amount and undervalues the financial credibility and worth as well as my reputation and the work purchased by my collectors. Last, the fact that the canvas was damage can imply that the quality of the materials used to create the painting were not of a high standard. There is indeed a dated catalog that I still have, that documents the complete content of my biography. The published catalog from 2003 which contains my full biography is the same as on my personal website— both platforms state **“All of the imagery in this catalog was either created en plein air or from the subject directly”**. The partial use of my biography coupled with the false additional statements in EAI’s description and misattribution of “1972 Original Oil Painting entitled Man With Red Umbrella Signed Annamarie Trombetta” violates designated laws.

Defamation element “prima facie” number 1)a false statement purporting to be fact; Plaintiff did not create the “1972 Original Oil Painting Man With Red Umbrella Signed Annamarie Trombetta”. The first element to claiming defamation is duly recorded and filed with the court. The second element to claiming Defamation is 2) publication or communication of that statement to a third person. The false posting was on the internet which is a public platform. In addition the false posting was reposted on the internet after the truth about it’s inaccuracy and falsity was communicate. The third element of claiming defamation which the Plaintiff has just described is 3) fault amounting to at least negligence. There was no care or regard by Worth point.com to permanently remove the false posting from the internet and evidence in the e-mail from Will Siepple with employee Jason Packer. **EXHIBIT #7 E-mail Jason Pacer requesting authorization from Will Siepple for filing a Temprary Removal of posting .**

The last element of claim for defamation is 4) damages, or some harm caused to the person or entity who is the subject of the statement. This posting came about after I had two solo exhibitions one at a museum. I know that I lost a sale of my artwork as the intended collector was the one that informed me about the false posting. Her relative did not wish to purchase my painting after such a discovery. The impact that such a posting on such a public platform as the internet is immeasurable in breath or scale however it is

certain that it is not without harm to the Plaintiff, particularly due to the low price of the damaged and false attributed painting that had no right to be connected to the Plaintiff.

E. The Trademark Act of 1946 (Lanham Act) (amended by the Trademark Revision Act of 1988)

15 U.S.C. § 1051 et seq.; 19 C.F.R. § 133.1 et seq.

Trademarks used in interstate commerce are protected under the Trademark Act of 1946, also known as the Lanham Act. **Unlike copyrights and patents, trademarks may be protected under state law, federal law, or both. Registration is not necessary for the protection of a trademark.** See

Two Pesos, v. Taco Cabana, 505 U.S. 763 at 768 (1992). A trademark gains protection through **distinctiveness and use.** The benefit of federal registration of a mark is that the registration constitutes *prima facie* evidence of both the validity and ownership of the mark, as well as the right to use the mark in commerce. A registered mark becomes incontestable after five years of continuous post-registration use. Title 15 U.S.C. §1125(a) provides for a cause of action for trademark infringement of unregistered marks. Remedies for infringement of a registered mark are at 15 U.S.C. § 1114 et seq. Trademark infringement is use in commerce of a mark identical or similar to that used by another seller in a way that confuses the public about the actual source of the goods or services in question. The test for liability for infringement is "likelihood of confusion." The law states that an infringer shall be liable in a civil action to any person who believes that he or she is likely to be damaged by the infringer's actions. Thus, in order to have standing to bring an action under § 1125(a), actual damage need not be shown, but rather a likelihood of damages. Most courts have held that the plaintiff need not be a direct competitor of the infringer, but that some level of competition is necessary. Some courts have concluded that competition need not exist at all. See *Standing to Bring False Advertising Claim or Unfair Competition Claim Under § 43(a)(1) of Lanham Act*, 124 A.L.R. Fed. 189. In addition, a plaintiff seeking injunctive relief under this section must only show "likelihood of confusion." Injury in terms of actual confusion is necessary to obtain monetary relief. 15 U.S.C. § 1114. The test for infringement of registered or

unregistered marks is the same. Both parties, Estate Auction Inc. and Worthpoint .com used a photo featured oil painted signature with A. Trombetta that was not by my hand and is significantly different from my actual signature which uses my first and last name with my personally designed logo. The fact that I did not paint in oil when I was nine years of age further validates that the signature is not the artist's signature. In addition to changing the trademark protection laws, the Lanham Act also restricts false advertising. If a competitor is making false claims or giving misleading information about any business or product, the party injured has legal rights for a claim to the Lanham Act and Trade Infringement. It is precisely this fact that the Plaintiff is attempting to bring to the court's attention the validity of the claim for The Lanham Act. The absence of my logo and the false photo featured "A. Trombetta signature in oil paint indeed will create the assumption that the signature is that of the Plaintiff.

F. New York Artist Authorship Right Act

Plaintiff Annamarie Trombetta has submitted on April 24, 2019 in Case 1:18-cv-00993-RA-SLC Document 22 Filed 04/24/19 Page 8 of 38 states that the posting was on the internet until the spring of 2017. On Page 31 of 38 Exhibit N Case 1:18-cv-00993-RA-SLC Document 31 Filed 04/24/19 is the date of the print out from the internet 5/09/17. The Plaintiff petitions the court to review these documents. The Plaintiff's lawsuit commenced on February 5, 2018 which is within the one year statute of limitation for the claim. Further in January 4, 2017 the Plaintiff contacted Will Seippel at will@worthpoint.com and did not receive any response. The May 9, 2017 re-posting prompted the Plaintiff to hire an attorney who in turn contacted Estate Auctions Inc. regarding the take down of the post and a settlement letter. Regarding the New York Artist's Authorship Right Act this law is applicable to the artists that reside in the state of New York. EXHIBIT # AARA Law § 14.03

Except as limited by subdivision three of this section, on and after January first, nineteen hundred eighty-five, no person other than the artist or a person acting with the artist's consent shall knowingly display in a place accessible to the public or publish a work of fine art or limited edition multiple of not more than three hundred copies by that artist or a reproduction thereof in an altered, defaced, mutilated or modified form if the work is displayed, published or reproduced as being the work of the artist, or under

circumstances under which it would reasonably be regarded as being the work of the artist, and damage to the artist's reputation is reasonably likely to result therefrom, except that this section shall not apply to sequential imagery such as that in motion pictures.

Law § 14.03 number 1 — specifically deals with the right of an artist or any designated artist agent's consent to display in public or published a work of literary or fine art etc as being the work of the artist. The Plaintiff did not consent or know about the public display on the internet and use of her name, identity and biography. The unauthorized use, altered and modified of the Plaintiff's personal Biography duly noted on the internet via the personal website and the full text duly printed in the artist's 2003 catalog is a direct violation of the claim. The caused "damage" to the artist reputation in part is due to the fact that the artwork described was damaged. This public forum coupled with the fact that the work was deemed "Shabby Chic" on the internet and was sold far below the artist's net worth — lowering the net worth and retail value of the artist in a public platform adds to the loss of damage and substantiates in the eyes of the Plaintiff the right to A) Personal Jurisdiction in the State of New York B) New York State's Right to Claim Ownership C) Protects the Artist that resides in New York State with the right of the artist to have one's name appear IN PUBLIC on or in connection with such work as the artist. The rights ACA § 14.03 pertain to New York State Artists and pertain to the **"Right to Publicly display artwork(Literary) by consent.** None of these rights were respected by the Defendant. All of these rights were violated. Plaintiff petitions the court to include the claims and violations under New York Consolidated Laws, Arts and Cultural Affairs Law for said reasons described above.

G. New York Civil Rights Law and New York Rights of Publicity Law § 50 § 51

Plaintiff Annamarie Trombetta petitions the court to review again the documents submitted on April 24, 2019 in Case 1:18-cv-00993-RA-SLC Document 22 Filed 04/24/19 Page 8 of 38 states that the posting was on the internet until the spring of 2017. On Page 31 of 38 Exhibit N Case 1:18-cv-00993-RA-SLC Document 31 Filed 04/24/19 is the date of the print out from the internet 5/09/17. The Plaintiff's lawsuit commenced on February 5, 2018 which is within the one year statute of limitation for

the claim. The facts are the Plaintiff did on three separate occasions contacted Worthpoint .com and Estate Auctions Inc. to take down the repost. Plaintiff's request was repeatedly ignored and violated. The statutes of limitation for this claim are within the one year stipulation. Plaintiff asks the court to review Case 1:18-cv-00993-RA-SLC Document 22 Filed 04/24/19 Page 8 of 38 . Again the last known and printed posting of 1972 Original Oil Painting entitled Man With Red Umbrella Signed Annamarie Trombetta" which was misattributed was in May 2017 as duly documented. The May 8, 2017 webpage of "1972 Original Oil Painting entitled Man With Red Umbrella Signed Annamarie Trombetta" was linked and connected to the actual true, bonafide credentials of the Plaintiff. The one year statutes of limitation is in good standing as this lawsuit was filed on February 5, 2018. The Defendant for this violation is Worthpoint .com and Will Siepple which is why the Plaintiff is attempting to restate the claim . It is relevant and the Plaintiff asks the court to reconsider this claim given the amount of time, energy and effort the Plaintiff exerted to avoid a repost and litigation.

To violate § 51, a use of a person's identity must be:

- Within New York state;
- For advertising or trade purposes; and
- Without written consent.

The focus on advertising and trade means that a use designed to solicit sales of products or services is forbidden. But this category of advertising uses is somewhat narrow; § 51 contains a long list of exceptions to the right of publicity, which include protections for:

- professional photographers against suits by their subjects;
- the use of an author's name, in connection with the work of that author;
- owners of copyrights in sound recordings; and
- using a person's identity in connection with products, if the person manufactured or sold those products under their identity.

Damages — Section 51 provides for both injunctive relief and compensatory damages. A plaintiff can seek an injunction against continued use of her identity, and can recover monetary damages to compensate for the harm caused by past uses. The damage award primarily compensates for emotional distress. See *Garis v. Uncut-RawTV*, No. CV 06-5031, 2011 WL 4404035, at *3-4 (E.D.N.Y, July 5,

2011). Section 51 also provides for punitive or exemplary damages, if certain conditions are met. A plaintiff can recover exemplary damages if the defendant knew that the plaintiff had not consented to the use of her identity. Id. at 4-5. Courts may award exemplary damages if necessary to deter future violations of Section 51. Again the Plaintiff has filed documents that prove the repost was without consent.

H. VARA CLAIM

I am the artist/author of several Visual works of art. I have produced single copies of various paintings. Each of those paintings is unique. I do not copy, produce or duplicate any of my oil paintings. I have never produced more than 200 original copies of a single painting.

Defendants are incorrect that the work of Visual Art definition in VARA applies to the falsely attributed painting. Defendants Estate Auctions alleged that Annamarie Trombetta alleged by painted “1972 Original Oil Painting Man with Red Umbrella” signed “A.Trombetta” Plaintiff request for the court that this be granted. Accordingly this argument fails on all merits I did not execute the oil nor grant permission to use my name or website content at any time.

I. Plaintiff’s Claims for Relief

Copyright 17 U.S. Code § 1203. Civil remedies and 17 U.S. Code § 504. Remedies for infringement: Damages and profits

Upon registration of the copyright, a copyright owner can recover for infringement that occurred both before and after registration. Plaintiff has pursued and received Copyright registration which has been filed on April 24, 2019 and also on December 3, 2019 as evidenced in Exhibit H. The registration number for copyright to Annamarie Trombetta, original only to Plaintiff is U.S. Copyright Certificate Registration with Number TX-8-655-807 effective date June 18,2018 . Again Plaintiff contacted Worthpoint Defendant in 2016 and 2017 before the second posting and also contacted the seller of the misappropriated painting and ultimately the creator of the false posting, Estate Auction.

The documented contact fulfills the required Elements of notification.—Digital Millennium Copyright Act § 1202.

(c) Award of Damages.—

(1) In general.—Except as otherwise provided in this title, a person committing a violation of section 1201 or 1202 is liable for either—

- (A) the actual damages and any additional profits of the violator, as provided in paragraph (2), or
- (B) statutory damages, as provided in paragraph (3).

(2) Actual damages.—

The court shall award to the complaining party the actual damages suffered by the party as a result of the violation, and any profits of the violator that are attributable to the violation and are not taken into account in computing the actual damages, if the complaining party elects such damages at any time before final judgment is entered.

(3) Statutory damages.—

(A) At any time before final judgment is entered, a complaining party may elect to recover an award of statutory damages for each violation of section 1201 in the sum of not less than \$200 or more than \$2,500 per act of circumvention, device, product, component, offer, or performance of service, as the court considers just.

(B) At any time before final judgment is entered, a complaining party may elect to recover an award of statutory damages for each violation of section 1202 in the sum of not less than \$2,500 or more than \$25,000.

504. Remedies for infringement: Damages and profits5

(a) In General.—Except as otherwise provided by this title, an infringer of copyright is liable for either—

(1) the copyright owner's actual damages and any additional profits of the infringer, as provided by subsection (b); or

(2) statutory damages, as provided by subsection (c).

(b) Actual Damages and Profits.—The copyright owner is entitled to recover the actual damages suffered by him or her as a result of the infringement, and any profits of the infringer that are attributable to the infringement and are not taken into account in computing the actual damages. In establishing the infringer's profits, the copyright owner is required to present proof only of the infringer's gross revenue, and the infringer is required to prove his or her deductible expenses and the elements of profit attributable to factors other than the copyrighted work.

(c) Statutory Damages.—

(1) Except as provided by clause (2) of this subsection, the copyright owner may elect, at any time before final judgment is rendered, to recover, instead of actual damages and profits, an award of statutory damages for all infringements involved in the action, with respect to any one work, for which any one infringer is liable individually, or for which any two or more infringers are liable jointly and severally, in a sum of not less than \$750 or more than \$30,000 as the court considers just. For the purposes of this subsection, all the parts of a compilation or derivative work constitute one work.

(2) In a case where the copyright owner sustains the burden of proving, and the court finds, that **infringement was committed willfully, the court in its discretion may increase the award of statutory damages to a sum of not more than \$150,000.** In a case where the infringer sustains the burden of proving, and the court finds, that such infringer was not aware and had no reason to believe that his or her acts constituted an infringement of copyright, the court in its discretion may reduce the award of statutory damages to a sum of not less than \$200.

In addition Plaintiff asks the court to determine in EA Inc. and worthpoint.com are Liable to 17

U.S. Code § 1202. Integrity of copyright management information since both companies have done business with eBay.

Integrity of Copyright Management Information Article 12 of the WCT provides in relevant part:

Contracting Parties shall provide adequate and effective legal remedies against any person knowingly performing any of the following acts knowing, or with respect to civil remedies having reasonable grounds to know, that it will induce, enable, facilitate or conceal an infringement of any right covered by this Treaty or the Berne Convention.

SUMMARY

Prior to this lawsuit the Plaintiff spent a great deal of time and effort to resolve this matter harmoniously and simply. Three times this posting was taken down and reposted back again on the internet. In light of this false posting appearing under the Plaintiff's name Plaintiff contacted Estate Auctions Inc—aka—Marie and Nora Novicin , the sellers via e-mail and phone to see, if by doing so the reposting would finally end. Most importantly Plaintiff sent a recording of a phone call from Norb Novicin to the Defendant's Attorney Anderson Duff and The Honorable Judge Ronnie Abrams. The phone recording reveals that Mr. Novicin admitted that he was the seller. Mr. Novicin admitted that the painting has two signatures front and back. I informed Mr. Novicin of the pertinent information and that I was not the artist—simple. The description clearly states that the painting was signed Annamarie Trombetta under the listing which accompanied my biography from my website. Aside from the unapologetic posture and lack of any confession of a possible mistake the phone call confirms that Mr. Novicin suggested to the Plaintiff that I "Go for it and Hire an Attorney". Subsequently I did hire an attorney who sent a letter and also spoke at length with Marie Novicin to confirm receipt of the letter and to convey via conversation the extent of damage this posting had caused the Plaintiff. Following I made a Better Business Bureau report. In summary the history of these procedures pre-date this case. In like fashion, initially I contacted via phone and written communication Worthpoint. com and the parties include Anita B. Greg Watkins and CEO Owner of Worthpoint Will Siepple. In less than a year the know to be fraudulent posting was re-instated on the internet. During this lawsuit it became known that Estate Auctions was not connected to Worthpoint .com and it is this fact that has prompted the Plaintiff to attempt to re-instate claims that were dismissed by Judge Abrams . Plaintiff upon permission to Amend

her Complaint has now added Worthpoint whose actions violate the claims restated . The time and repetition of requests warrants all the copyright infringement to include all that is listed above A. Intellectual property B. Contributory Copyright Infringement. C. DMCA violations. Digital Millennium Copyright Act of 1998 D. Defamation E. The Trademark Act of 1946 (Lanham Act) (amended by the Trademark Revision Act of 1988) 15 U.S.C. § 1051 et seq.; 19 C.F.R. § 133.1 et seq. F. New York Artist Authorship Right Act G. New York Civil Rights Law and New York Rights of Publicity Law § 50 § 51 H. VARA CLAIM I. Plaintiff's Claims for Relief Copyright 17 U.S. Code § 1203. Civil remedies and 17 U.S. Code § 504. Remedies for infringement: Damages and profits.

Conclusion

For all the foregoing reasons, claims and statements for relief the Plaintiffs respectfully request that this Court deny Defendants' Motion to Dismiss. The plaintiff's asks the court to review the claims for copyright infringement pursuant to Fed. R. Civ. P. 12(b)(6) with the addition of the New Defendant and grant the Plaintiff request not to dismiss .

Respectfully Submitted and Requested,

Dated February 21, 2020

By Annamarie Trombetta
Annamarie Trombetta Plaintiff

175 East 96th Street (12 R)

New York, New York 10128

Anderson Duff

244 Fifth Avenue Set. 2230

New York, New York 11101

EXHIBITS

Exhibit #1 Three Separate Webpages

- 1) Annamarie Trombetta Search Window
- 2) Artist Annamarie Trombetta Search Window
- 3) 1972 Original Oil Painting Man with Red Umbrella Signed Annamarie Trombetta

Exhibit #2 Document 29 Ticket # 57565: Subject Fraudulent artwork Artist

Annamarie Trombetta

Exhibit #3 Plaintiff's Bio with Photo of A. Trombetta FILED LAST ON DECEMBER 3, 2019)

(DOCUMENT 29-1 -# 8 CLOSE UP VIEW of signature A. Trombetta with copyrighted

Exhibit #4 work licensed by Worthpoint—FILED LAST ON DECEMBER 3, 2019).

Exhibit #5 May 9, 2017 webpage 1972 Original Oil Painting Man with Red Umbrella Signed Annamarie Trombetta —False posting with authentic credential of Artist Annamarie Trombetta

Exhibit #6 Catalog Biography

Exhibit #7 E-mails to Will Siepple and from Jason Packer —Subject Google Temporary Take down Request

Exhibit #8 U.S. Copyright Registration Number TX-8-655-807 for website of Annamarie Trombetta



All Images Videos News Shopping More Search tools

Page 2 of about 42,600 results (0.38 seconds)

Annamarie Trombetta | LinkedIn

<https://www.linkedin.com/in/annamarie-trombetta-9413361a>

Greater New York City Area - Instructor at Art Lab - Art Lab

View Annamarie Trombetta's professional profile on LinkedIn. LinkedIn is the world's largest business network, helping professionals like Annamarie Trombetta ...

Artist Annamarie Trombetta's Imagery Offers Visionary ...

http://italianamericanmuseum.org/news/news_plain.html ▾

Artist Annamarie Trombetta's "Central Park Imagery," a collection of en plein air works in oils, pastels, watercolors, etchings and drawings will be on display at ...

You've visited this page 2 times. Last visit: 12/11/15

1972 Original Oil Painting Man With Red Umbrella Signed ...

www.worthpoint.com ▾ Worthpedia™ ▾

1972 Original Oil Painting Man With Red Umbrella Signed Annamarie Trombetta yqz.

Sold for: Start Free Trial or Sign In to see what it's worth. Item Category: ...

You've visited this page many times. Last visit: 12/29/15

Salem Krieger on Twitter: "Painting Central, a short video ...

<https://twitter.com/salemk/status/269691293083403264> ▾

... @salemk 16 Nov 2012. Painting Central, a short video about Annamarie Trombetta a painter working in Central Park, NYC. <http://Vimeo.com/62924850> ...

You've visited this page 2 times. Last visit: 12/5/15

Annamarie Trombetta | Whitepages

www.whitepages.com/name/Annamarie-Trombetta ▾ Whitepages

2 matches for Annamarie Trombetta. Find Annamarie Trombetta's phone, address, etc. on Whitepages, the most trusted online directory."

Annamarie Trombetta on Paddles

<https://paddles.com/artists/annamarie-trombetta/> ▾

Annamarie Trombetta. Follow. Consign Works. Consign works by Annamarie Trombetta for auctions and private sales. Learn more ▾. Have suggestions for ...

Annamarie M. Trombetta - Intellus

www.intellus.com/people/Annamarie-Trombetta/0esdlas91wf ▾

Get contact information on Annamarie M. Trombetta, New York NY. Find out Annamarie M. Trombetta's age, gender, possible aliases, associates, professional , ...

Annamarie Trombetta - Pollock Kraener Image Collection

www.pkf-imagecollection.org/article/Annamarie_Trombetta/biography/ ▾

Annamarie Trombetta. Contact Works. CONTACT. Annamarie Trombetta Studio: 175 East 98th Street (14P) New York, NY 10128. Phone/ Fax: 212-427-5990.

You've visited this page 2 times. Last visit: 12/8/15

annamarie trombetta - OneLook Dictionary Search

www.onelook.com/?lang=all...annamarie+trombetta ▾ OneLook Dictionaries

We found one dictionary that includes the word annamarie trombetta: Art dictionaries Art (1 matching dictionary). Annamarie Trombetta: Artist Search [home, Info] ...

Flickr: Annamarie Trombetta

Date Jan 5, 2016

Exhibit

H3

False
Attribution

Exhibit

H1

February 21, 2020



Page 2 of about 36,300 results (0.39 seconds)

1972 Original Oil Painting Man With Red Umbrella Signed ...
www.worthpoint.com/Worthopedia/1972-Original-Oil-Painting-Man-With-Red-Umbrella-Signed ▾
 UP IN THIS AUCTION <<<< 1972 Original Oil Painting Man With Red Umbrella Signed
 Annamarie Trombetta New York Listed Artist - Shabby Chic Condition.
 You've visited this page many times. Last visit: 1/6/16

Central Park's Plein Air Past | OutdoorPainter
www.outdoorpainter.com/central-park-s-plein-air-past/ ▾
 "The Destructive Dance of Sandy," by Annamarie Trombetta ... Finding out about all
 this history, and the connections generated by artists, gave me a mission.".
 You've visited this page many times. Last visit: 12/13/16

Annamarie M Trombetta - Intelius
www.intelius.com/people/Annamarie-Trombetta/0esdlac91wf ▾
 Annamarie M Trombetta's Bio Annamarie M Trombetta. Annamarie M Trombetta
 Sagittarius Zodiac SignSagittarius. Annamarie M Trombetta Instructor at Art Lab.

Annamarie Trombetta on Paddle8
<https://paddle8.com/artists/annamarie-trombetta/> ▾
 Become a Paddle8 collector. Sign up to bid on our auctions, follow your favorite artists,
 and receive complimentary auction estimates. Start Collecting. Already a ...

Annamarie Trombetta - Address, Phone Number, Public ...
radar.com/p/Annamarie/Trombetta
 trombettaart.com The Process of Printmaking reveals some of the steps taken in order to
 create an intaglio etching. The artist Annamarie Trombetta has made a ...

Artist Annamarie Trombetta working on her piano, which ...
<https://www.pinterest.com/pin/177781516014603960/> ▾ Pinterest
 Artist Annamarie Trombetta working on her piano, which commemorates the 10- year
 anniversary of 9/11. | See more about Piano, Anniversaries and Artists.

Video - Salem Krieger
www.newyork-portrait-photography.com/gallery.html?gallery=Video
 Painting Central - artist Annamarie Trombetta, Painter Donald Vaccine, Study #1 Daily
 Chores, Bissell Gardens - Organic Community Garden - Bronx, NY ...

CBS New York » Annamarie Trombetta
newyork.cbslocal.com/tag/annamarie-trombetta/feed/ ▾ WCBS-TV ▾
 Jun 7, 2011 - "To me, it sums up what music is about, what art is about, which is pulling
 ... Annamarie Trombetta works on her design for a public piano » New ...

NOIAW Wishes Everyone Happy Holidays -- December ...
www.nolaw.org/.../nolaw-wishes-everyone-happy-holidays-december-ne... ▾
 Jan 9, 2018 - NOIAW member and artist, Annamarie Trombetta, will be featured in an
 upcoming exhibition at the Union League Club in New York City from ...

Annamarie Trombetta - artist - Marquis Who's Who Biography
bios.marquiswhoswho.com/annamarie_trombetta/artist/3976399 ▾
 New York NY - artist
 Marquis Who's Who Biography for Annamarie Trombetta, artist.

Go gle

1972 original oil painting man with red umbrella signed annamarie trombetta



Annamarie

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6 results (0.68 seconds)

1972 Original Oil Painting Man With Red Umbrella Signed ...

www.worthpoint.com Worthopedia™ ▾

1972 Original Oil Painting Man With Red Umbrella Signed Annamarie Trembetta yqz. Sold for: Start Free Trial or Sign In to see what it's worth. Item Category: ... You've visited this page many times. Last visit: 12/29/15

Det Jan 5

Exhibit 10/16



Annamarie Trombetta - Artist Info

www.trombettaaart.com/info.html ▾

EDUCATION 1999 - National Academy School of Fine Arts 1991 - William Butler Yeats Summer School, Sligo, Ireland 1989 - New York Academy of Art 1987 - Art ...

Missing: 1972 oil man red umbrella yqz

You've visited this page 4 times. Last visit: 11/12/16

Annamarie Trembetta, Artist Interviewed by June Middleton ...



<https://www.youtube.com/watch?v=uFEQ3D3LWms>

Apr 29, 2016 · Uploaded by JuneMindningBusiness

Annamarie Trembetta, an artist who's art has been exhibited around the world, has created works in oil ...

Missing: 1972 oil man red umbrella yqz

Exhibit

#3 on

February 21,
2020

Page 1 - Italian American Museum

italianamericanmuseum.org/exhibitions/Pleinair.htm ▾

Acclaimed artist Annamarie Trembetta presents a sole exhibition that ... Ms. Trembetta has created works in printmaking, watercolor, oil and pastel and is ... On view are works of art executed in oils, pastels, watercolors, etchings and drawing.

Missing: 1972 man red umbrella yqz

Original Oil Paintings - Original Art. Top Emerging Artists

www.ugallery.com/Buy-Original-Art ▾

Expertly Curated - Free Shipping!

7 Day In Home Trial - Free Returns - New Art Released Weekly

Most Popular Artists - The Showroom - Staff Favorites - New Arrivals

Collectible Original Art - Say No to Prints and Reproductions

www.zatista.com/ ▾

Over 7000 Completely Original Works

Affordable - Free Returns - No Reproductions - Free Shipping

Digital Art - Browse Art to Buy - Original Paintings - Mixed Media Art

Re: Artist Annamarie Trombetta----Fraudulent Artwork--and links to Fraudulent Artwork

From: WorthPoint Customer Support (support@worthpoint.desk-mail.com)

To: trombettaart@yahoo.com

Date: Saturday, February 20, 2016, 10:25 AM EST

Exhibit 6

Ticket #57565: Artist Annamarie Trombetta----Fraudulent Artwork--and links to Fraudulent Artwork

WorthPoint | Feb 20, 2016 10:24AM EST

Thank you for submitting your request. We have received your request and are working on responding to you as soon as possible. If you have any additional information to add to this case, please reply to this email.

Thanks in advance for your patience and support.

This message was sent to trombettaart@yahoo.com in reference to Case #57565.

[[7e0d850a2b9039a31cbf23ab9ae58ea3fc4a46c9-641339616]]

Marilyn Monroe 1988 Vintage Michael Ochs Archive Chanel Perfume ... www.worthpoint.com • Worthopedia™-----Artist Annamarie Trombetta

From: Annamarie Trombetta (trombettaart@yahoo.com)
 To: will@worthpoint.com
 Date: Wednesday, January 4, 2017, 11:28 AM EST

Exhibit #2
 February 21, 2020

Mr. Sieppel,

Please allow me to Re-introduce myself. My name is Annamarie Trombetta. I am an artist . Last year I found a MISATTRIBUTION of a painting that I did NOT create on your website--Worthpoint.com which came up on the internet under my name. Specific personal content from my professional biography on my personal artist website was copied, transplanted and posted on your site. A picture of a painted signature on canvas signed A. Trombetta that was NOT MY signature was also photo featured on the Worthpoint.com website listing.

On February 20, 2016 I contacted you via e-mail. Prior to contacting you I had spoken several times with your employer Anita and eventually I was on the phone at length with your webmaster Mr. Gregory Watkins regarding the FRAUDULENT posting of a painting that I did not create. I requested that this Fraudulent listing be permanently removed. I also sent a notice to the company website. SEE BELOW

Ticket #57565: Artist Annamarie Trombetta----Fraudulent Artwork--and links to Fraudulent Artwork

WorthPoint | Feb 20, 2016 10:24AM EST

Thank you for submitting your request. We have received your request and are working on responding to you as soon as possible. If you have any additional information to add to this case, please reply to this email.

Thanks in advance for your patience and support.

This message was sent to trombettaart@yahoo.com in reference to Case #57565.

[[7e0d850a2b9039a31cbf23ab9ae58ea3fc4a46c9-641

I am contacting you once again **almost a year later** because I found yet again a listing from Worthpoint.com under my name--Annamarie Trombetta artist. Below is today's listing January 4th 2017 of subjects and site which come up when I Google **Annamarie Trombetta artist. PLEASE REVIEW --- The Marilyn Monroe listing** was the **first** place where my name was Falsely associated along with the fraudulent painting and signature attributed to me that was listed on Worthpoint.com.

A year ago I took time, energy and effort to contact you and your company regarding the false attribution and requested that it should be removed. I have NEVER HAD ANY ASSOCIATION with WORTHPOINT.com---NOR have I ever had any business with Worthpoint.com and yet in a Google search for Annamarie Trombetta Artist your company is listed under my name. **This listing is not authentic and has NO RIGHT TO BE LISTED UNDER MY NAME. The Listing from Worthpoint.com is taking up space that should be for my other TRUE credentials --- and should not BE OCCUPIED by your company.**

Artist Annamarie Trombetta----Fraudulent Artwork--and links to Fraudulent Artwork

From: Annamarie Trombetta (trombettaart@yahoo.com)
To: will@worthpoint.com
Cc: support@worthpoint.com
Date: Saturday, February 20, 2016, 10:24 AM EST

Exhibit
5

Dear Mr. Seippel and Mr. Watkins,

Allow me to introduce myself to you Mr. Seippel. I am professional artist Annamarie Trombetta. I as well as other people found a listing for a painting entitled 1972 Original Oil Painting Man with Red Umbrella signed Annamarie Trombetta. This is not one of my paintings. There is a photo of a signature A. Trombetta with the eBay logo and Copyright symbol written "Copyrighted work licensed by Worthpoint" with your company logo in yellow next to it. This is not my signature. **Please see attachments.**

On February 3, 2016 I spoke with Mr. Gregory Watkins. Mr. Watkins also stated that you were at a conference in Las Vegas. I asked Mr. Watkins certain questions regarding the artwork falsely attributed to me. I requested that he e-mail me his answers regarding these questions that I had about this artwork on Tuesday February 3, 2016. Today is February 20, 2016 and nothing has been forwarded to me. I have contacted eBay several times prior to contacting your company.

EBay stated that they do not have the name of the seller nor the name of the buyer or the listing for this painting. Ebay expressed several times to me that I need to contact Worthpoint since the listing is on your site..

There are still listing for Worthpoint.com under my name. Under google search for the painting "1972 Original Oil Painting Man with Red Umbrella signed Annamarie Trombetta there is a link entitled **Marilyn Monroe 1988 Vintage Michael Ochs Archive and also Thomas Kinkade**. Both Worthpoint sites list 1972 Original Oil Painting Man with Red Umbrella signed Annamarie Trombetta which is why they are surfacing under my name and under 1972 Original Oil Painting Man with Red Umbrella signed Annamarie Trombetta.

When I spoke to Mr. Watkins on the phone on February 2, 2016 I asked Mr. Watkins the following questions and asked him to forward me the information which he has not done. I have contacted you in order to have these questions answered please:

- 1) HOW did your company obtained this information -listing for " 1972 Original Oil Painting Man with Red Umbrella signed Annamarie Trombetta "?
- 2) Can you forward me the name of the seller?
- 3) How long has this link been on your site?? The date of the sale is from December 1, 2012. I will assume from December 1, 2012 and Mr. Watkins agreed during our phone conversation on February 3, 2016.

4) Who owns this painting?? The description is a damaged painting. It also states that there is a signature in RED on the back of the stretcher. This signature is outside of the photo of a signature A.Trombetta. The painting is dated 1972--Do you know how old I would have been at the time the painting has been dated?
 5) Who provided you with the photo of the signature A.Trombetta? Again I assure it is not my signature.

6) The Worthpoint description of this painting states that there are 12 photos. Below is the text that is on the page for this painting. Where did you get my biography?? It is so specific it is definitely mine.

7) I did sign up for the Free Trial in order to obtain the information below. If there is a purchase price of \$181.50 duly documented and listed there was a financial transaction and there should be a receipt of payment for this item. May I have this information as well?

Kindly forward any information that you have regarding this painting.

Attached is a printout from February 2016 which lists items and links that are on Worthpoint.com These items are listed with my unrelated personal and professional links. I have no association to the Worthpoint.com company---data base nor the artwork that is associated with these link. Please review. I am requesting that you kindly remove your links since they have no relation to my personal and professional credentials.

Sincerely,

Annamarie Trombetta

1972 ORIGINAL OIL PAINTING MAN WITH RED UMBRELLA SIGNED
ANNAMARIE TROMBETTA YQZ

- **SOLD FOR:**
- \$181.50
- **ITEM CATEGORY:**
-
- **SOURCE:**
- eBay
- **SOLD DATE:**
- Dec 01, 2012
- **CHANNEL:**
- Online Auction

This is by Annamarie Trombette. It is signed on the bottom, but on the back it has written in red on the stretcher, Annamarie Trombetta "Gifted" 1977, "Painted" 1972. To our eyes it looks like it is after the style of Andre Kohn. It is quite large being approx. 48 1/2" tall and 17 1/2" wide. We are calling it shabby chic condition as it has a tear in the canvas, about 5/8" long just to the left of the man's knees, but still such a great painting. For those not familiar with Trombetta, here is information about her from off AskArt as they got it from her website: Annamarie Trombetta (1963 -) Lived/Active: New York The nature of an artist's life, creativity and growth may be synonymously expressed in the image of an archetypal tree. Beginning with the earthly descended roots the artist like the tree branches out into its surrounding environmental and celestial world. Both ascend and descend, widening their girth of consciousness while producing visual imagery, weathering each season of change. Thus, I believe it is the nature of the artist and of nature itself to regenerate and manifest. All of the imagery in this catalog was either created en plein air or from the subject directly. My journey to becoming an artist began many years ago. The consanguineous roots of my

Annamarie Trombetta



HOME



PORTFOLIO



VIDEO



ARTIST INFO



BIOGRAPHY



CREDENTIALS



CONTACT



Biography

Exhibit 

#2 Feb 21, 2020

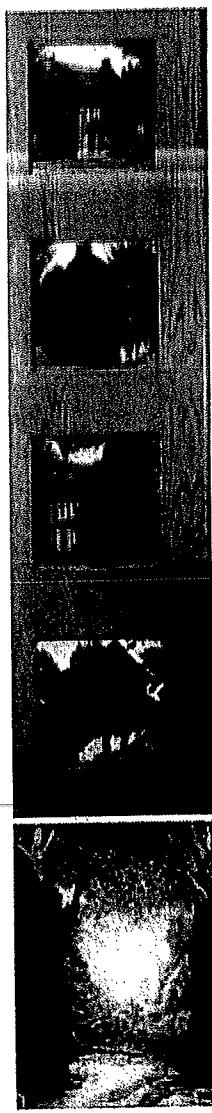
The nature of an artist's life, creativity and growth may be synonymously expressed in the image of an archetypal tree. Beginning with the earthly descended roots the artist like the tree branches out into its surrounding environmental and celestial world. Both ascend and descend, widening their girth of consciousness while producing visual imagery, weathering each season of change. Thus, I believe it is the nature of the artist and of nature itself to regenerate and manifest. All of the imagery in this catalog (tba) was either created en plein air or from the subject directly.

My journey to becoming an artist began many years ago. The consanguineous roots of my Italian family tree provided me with an innate constitution for my artistic profession. When I was a tiny seed of contemplative thought, my artistic nature began to sprout interest while gazing up at the ceiling paintings in a neighborhood church named Regina Pacis, meaning Queen of Peace. The church located in Brooklyn, NY features ceiling paintings, sculptures, marble interiors, and incorporates architectural elements for the facade and the belfry that are of Italianate design. Before the age of three I was able to surmise that the church in the ceiling painting was indeed the church I was in. The visual stimulation was a form of education. It fostered my sense of perception which became my strongest mode for acquiring knowledge.

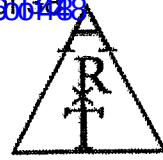
As the years unfurled, my family moved to Staten Island. At this time it was a scenic field of luminosity, lush vegetation and a harbor view complete with sail boats and small yachts. A few years after we moved my tree of life was in jeopardy of losing a limb. What appeared to be a swollen leg was indeed a cancerous tumor. It was an almost fatal or perhaps even a fated occurrence in my life. The struggle to survive the experience was lightened by my imagination and by my artistic ability to create. I seriously thought I would go into medicine but the posters and paintings in the hospital and doctor's office held my attention more intensely.

I began my formal training at The Brooklyn Museum School of Art while I was in high school. The exposure to various forms of art inspired me to expand my horizons and in the early Eighties I traveled on a summer tour to Europe. The tour comprised of six countries; Germany, Austria, France, Italy, Switzerland and England. Viewing so many different cities and cultures in a concentrated period of time helped me to see the similarities as well as the differences of each quite clearly.

Upon my return I enrolled in an art history course to examine the content of art in relation to its chronological, political and historical relevance while applying to art colleges. I was accepted to Parsons School of Design located in lower Manhattan. The pulsating pace of this compressed cosmopolitan city was reflected in the school's curriculum. Although I did enjoy the challenges and experiences which expanded my capabilities, I was not satisfied with the level of my drawing and painting skills. In the



Annamarie Trombetta



HOME



PORTFOLIO



VIDEO

ARTIST
INFO

BIOGRAPHY



CREDENTIALS



CONTACT



Biography

Exhibit 3

Feb. 21, 2020

The nature of an artist's life, creativity and growth may be synonymously expressed in the image of an archetypal tree. Beginning with the earthly descended roots the artist like the tree branches out into its surrounding environmental and celestial world. Both ascend and descend, widening their girth of consciousness while producing visual imagery, weathering each season of change. Thus, I believe it is the nature of the artist and of nature itself to regenerate and manifest. All of the imagery in this catalog (tba) was either created en plein air or from the subject directly.

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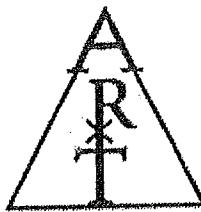
As the years unfurled, my family moved to Staten Island. At this time it was a scenic field of luminosity, lush vegetation and a harbor view complete with sail boats and small yachts. A few years after we moved my tree of life was in jeopardy of loosing a limb. What appeared to be a swollen leg was indeed a cancerous tumor. It was an almost fatal or perhaps even a fated occurrence in my life. The struggle to survive the experience was lightened by my imagination and by my artistic ability to create. I seriously thought I would go into medicine but the posters and paintings in the hospital and doctor's office held my attention more intensely.

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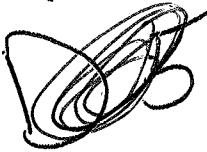
Upon my return I enrolled in an art history course to examine the content of art in relation to its chronological, political and historical relevance while applying to art colleges. I was accepted to Parsons School of Design located in lower Manhattan. The pulsating pace of this compressed cosmopolitan city was reflected in the school's curriculum. Although I did enjoy the challenges and experiences which expanded my capabilities, I was not satisfied with the level of my drawing and painting skills. In the



mid Eighties I attended The New York Academy of Art which focused on teaching the history and traditional techniques from periods of art, such as the Italian Renaissance, the classical and neoclassical periods in France, as well as the Spanish, Dutch and Flemish masters. Here I studied cast drawing, grisaille painting, anatomy, dissected cadavers, yet most influential to me was geometry and perspective.



Exhibit



#3

Feb. 25, 2020

During this period I traveled once again to France and Italy to study with my teachers who offered summer classes in art history, drawing and painting. I remember when I was in the French countryside feeling as if I was walking into a huge painting. The views felt so familiar due to the talents of Monet, Pissarro, VanGogh, etc. In my solitude I would envision them, particularly VanGogh in a wheat field painting or see the circular hay stacks change colors by sunset right before my eyes. The truth captured in their paintings a century ago felt so real to me, it spiraled an indelible influence. This experience still inspires me to strive towards capturing my subjects with a sense of presence and atmosphere. Visiting Italy again, my ancestral homeland, sharpened my acuity and attraction to works of art on uniquely shaped canvases. There were so many moments that will be with me throughout my life, most notable was to see the chariot markings while walking in the ruins of ancient Rome, or to hear bells toll in St. Mark's Square, and to be within inches of some of the most revered art in the world.

When I returned to the States, the desire to develop artwork in various mediums became the goal. I started attending The National Academy School of Fine Arts to explore and perfect the media of pastels and figure painting, and also to study printmaking. During this time I was employed at The National Academy Museum. The Academy and its intriguing history filled the chasm of my knowledge for the heritage of American art while also informing me of the cultural developments in my country, particularly those in New York. The opportunity to read the Academy's books while I was working at the Museum, was an enlightening experience. I learned, most importantly, about the Hudson River School painters and their personal involvement with writer/poet William Cullen Bryant. This relationship between artists and writers of that time initiated the unfoldment of Central Park. The Park, which is adjacent to The National Academy Museum was already charted territory for my artistic expression. Learning about the creation of the Park intensified my passion for depicting it.

During my tenure at The Academy, a conversation with a museum visit led to my interest in the W.B. Yeats Society of New York, and another trip abroad. Coincidentally and perhaps synchronistically I had been attending lectures on Theosophy about the same time I was learning about Yeats. Crucial to my personal and professional development at that time was my comprehension of why Theosophy influenced the modern movement in the Arts. Yeats, like many other writers, musicians, and artists such as Mondrian and Klee, etc. drew inspiration from the philosophical texts written by the robust Russian, Madame Blavatsky. Within a few months I had won a scholarship under the auspices of the Yeats Summer School in Sligo, Ireland via the Yeats Society of New York.

A short trip to London, preceded the Summer School, where I hunted down John Singer Sargent's charcoal sketch of Yeats at the National Portrait Gallery. This inspired a trip to the Tate, and several other collections. Traveling to England first set the stage for the political, personal, and historical dynamics that I was about to encounter regarding the legacy of Yeats and of Ireland. Before the school commenced, there was a ceremonial service at Drumcliff Church where Yeats is buried. The picturesque view and the enigmatic words of his icy epitaph became etched in my memory on that day and inspired me to create a painting titled after his poem "Under Benbulben" which

elaborates on his immortal words. To learn about his family, his life and his vision motivated me to begin a new chapter in creating my own work.

To culminate my journey, when I returned home I gathered the metaphorical leaves and branches that had fallen from my artistic tree, be it ancestral or archetypal and concentrated solely on 'The Holy Tree' described in Yeats's poem "The Two Trees." This image, inspired by the milieu of a mentor miles away is a tribute to his gifts and determined ways which regenerated and awakened the visionary in me. This upcoming catalogue highlights the pictorial progression from that trip and the time that followed.

I wish to acknowledge certain individuals who have enhanced my artistic sensibilities as a person, as well as an artist. These individuals include Everett Raymond Kinstler, Raymond Steiner, Harvey Dinnerstein, Burton Silverman, the artist's in The Painting Group particularly Aaron Shikler, David Levine, Danny Schwartz, Irene Hecht. I thank them for their help and guidance in my life.

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Exhibit Badge

3 Feb. 21, 2020

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Annamarie Trombetta



ARTIST

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[BIOGRAPHY](#)
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Exhibit C

Contact

I can be reached by phone at (212) 427-5990 or you can e-mail me either with the form below or at annamarie@trombettaart.com. If you are interested, you can also join my [mailing list](#).

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1972 Original Oil Painting Man With Red Umbrella Signed Annamarie Trombetta yqz

- Sold for: [Start Free Trial](#) or [Sign In](#) to see what it's worth.
- Item Category: -
- Source: [eBay](#)
- Sold Date: Dec 01, 2012
- Channel: Online Auction

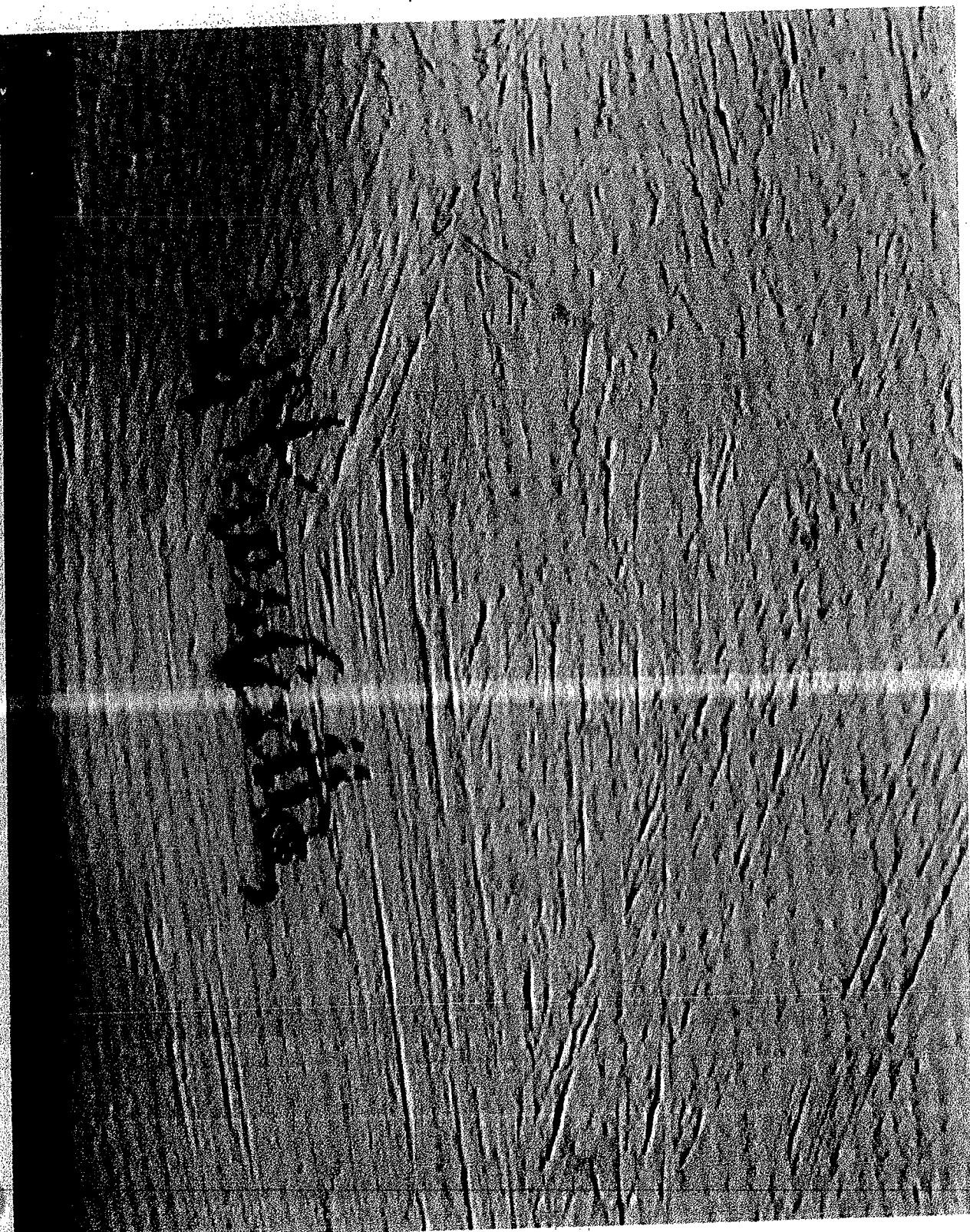
*Exhibit ~~12~~ #3
Feb. 21, 2020*

Welcome to EstateAuctionsInc! We are one of the Top Sellers of Antiques, Collectibles and Quirky items on eBay. We have been selling since 1998 and ALL of our auctions start at .99 cents. We are proud to announce that we maintain a "FIVE STAR Detailed Seller Rating" and our staff strives for 100% customer satisfaction, our 100% feedback rating will vouch for that. We work with consigners from Coast-To-Coast and work hard to make sure we have top quality items. We are "Your Quality Zone" - search "YQZ" to see our other listings our !

>>>> UP IN THIS AUCTION <<<< 1972 Original Oil Painting Man With Red Umbrella Signed Annamarie Trombetta New York Listed Artist - Shabby Chic Condition

- DESCRIPTION - Please be patient there are 12 photos to be loaded in this auction. Up in this auction is a wonderful and delightful oil on canvas painting of a man (I guess it could be a woman) with a red umbrella. This is by Annamarie Trombetta. It is signed on the bottom, but on the back it has written in red on the stretcher, Annamarie Trombetta "Gifted" 1977, "Painted" 1972. To our eyes it looks like it is after the style of Andre Kohn. It is quite large being approx. 48 1/2" tall and 17 1/2" wide. We are calling it shabby chic condition as it has a tear in the canvas, about 5/8" long just to the left of the man's knees, but still such a great painting. For those not familiar with Trombetta, here is information about her ~~from~~ off AskArt as they got it from her website: Annamarie Trombetta (1963 -) Lived/Active: New York The nature of an artist's life, creativity and growth may be synonymously expressed in the image of an archetypal tree. Beginning with the earthly descendent roots the artist like the tree branches out into its surrounding environmental and celestial world. Both ascend and descend, widening their girth of consciousness while producing visual imagery, weathering each season of change. Thus, I believe it is the nature of the artist and of nature itself to regenerate and manifest. All of the imagery in this catalog was either created en plein air or from the subject directly. My journey to becoming an artist began many years ago. The consanguineous roots of my Italian family tree provided me with an innate constitution for my artistic profession. When I was a tiny seed of contemplative thought, my artistic nature began to sprout interest while gazing up at the ceiling paintings in a neighborhood church named Regina Pacis, meaning Queen of Peace. The church located in Brooklyn, NY features ceiling paintings, sculptures, marble interiors, and incorporates architectural elements for the façade and the belfry that are of Italianate design. Before the age of three I was able to surmise that the church in the ceiling painting was indeed the church I was in. The visual stimulation was a form of education. It fostered my sense of perception which became my strongest mode for acquiring knowledge. As the years unfurled, my family moved to Staten Island. At this time it was a scenic field of luminosity, lush vegetation and a harbor view complete with sail boats and small yachts. A few years after we moved my tree of life was in jeopardy of loosing a limb. What appeared to

Exhibit #4



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Exhibit #4

Exhibit #4
Feb 21, 2020

Case 11:88-cv-00993-RAASJCC Document 9866 Filed 02/21/20 Page 422 of 148

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1972 ORIGINAL OIL PAINTING MAN WITH RED UMBRELLA SIGNED ANNAMARIE TROMBETTA YQZ



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1972 Original Oil Painting Man With Red Umbrella Signed Annamarie Trombetta yqz · Mustangs" Frank Rowland ~ Original Serigraph ~ LARGE DRAMATIC ... You've visited this page many times. Last visit: 12/30/15

fourth

THOMAS KINKADE -KINCAID - WorthPoint

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1972 Original Oil Painting Man With Red Umbrella Signed Annamarie Trombetta yqz · Handmade New Mexican Folk Art Church Birdhouse LARGE Lark Sedona ... You visited this page on 12/18/15.

fifth

Annamarie Trombetta - Biography

www.trombettart.com/bio.html

When I was a tiny seed of contemplative thought, my artistic nature began to sprout interest while gazing up at the ceiling paintings in a neighborhood church ...

Missing: 1972 oil man red umbrella yqz

Annamarie Trombetta - Artist Info

www.trombettart.com/info.html

EDUCATION 1999 - National Academy School of Fine Arts 1991 - William Butler Yeats Summer School, Sligo, Ireland 1989 - New York Academy of Art 1987 - Art ...

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artist annamarie trombetta's imagery offers visionary ...

italianamericanmuseum.org/news/news_plain.html

Artist Annamarie Trombetta's "Central Park Imagery," a collection of en plein air ... Ms. Trombetta is an artist who has created works in printmaking, watercolor, oil ... The New York Academy of Art, The National Academy Museum and School, ...

Missing: 1972 man red umbrella yqz

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Annamarie Trombetta, Artist Interviewed by June Middleton ...

<https://www.youtube.com/watch?v=uEQ3D3LWms>

Apr 29, 2015 - Uploaded by JuneMindingBusiness

Annamarie Trombetta, an artist who's art has been exhibited around the world, has created works in oil ...

Missing: 1972 man red umbrella yqz



28:02

Painting Central - artist Annamarie Trombetta on Vimeo

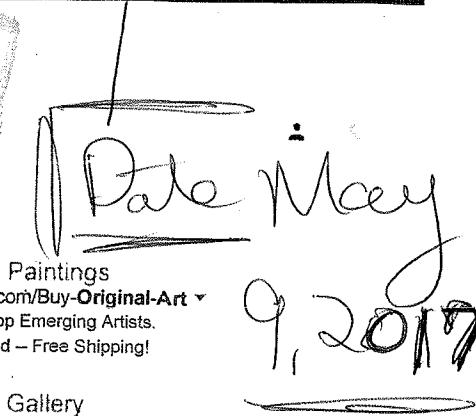
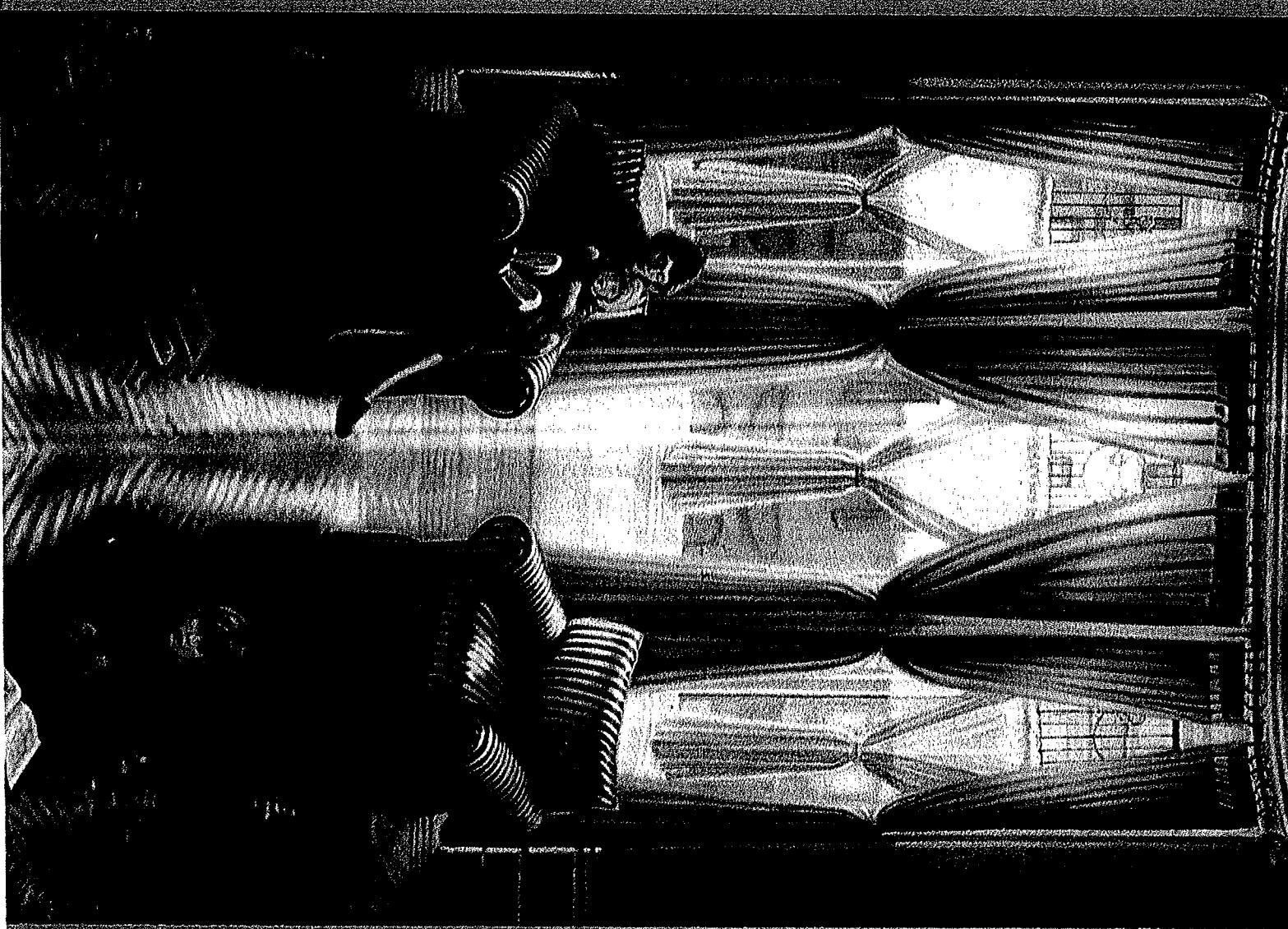
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Exhibit #5
Submitted on
Feb 21, 2020

~~Exhibit 1~~
~~Exhibit #6~~ on Feb 21
2020



ANNAMARIE TROMBETTA

Annamarie Tomasetta

The name of an artist's life, creativity and vision may be

spontaneously expressed in the shape of an informed life.

Beginning with the artist's life, creativity and vision may be spontaneously expressed in the shape of an informed life. Grandchildren continue to be uncommunicative, entrepreneurial and creative workers, but, second, and, of course, retaining the right of consciousness while producing visual images, presenting and

causing of changes. Thus, I believe, is the nature of life, instead

of narrative itself to regenerate and intranscend. All of this, in my view, catalog was either created in place and of course, a much more directly

My journey to becoming an artist began with my own personal consanguineous roots of my Italian family, the promise made with an amicable constitution for my artistic profession. When I was a tiny seed of contemplative thought, my artistic nature was born in Spain, interest while gazing up at the ceiling paintings and the Gothic interior of the church named Regina Pacis, Meant, Queen of Peace. The church located in Brooklyn, NY, features ceiling paintings, sculptures, marble interiors, and incorporates architectural elements for its facade and the body that are of Italian design. I, on the other hand, was able to surmise that the church in the Gothic tradition was indeed washed off the church. Wash. The visual stimulation was a form of education, it fostered my sense of perception which became my strongest mode for acquiring knowledge. As the years unfolded, my family moved to New Jersey.

Here it was a scatter field of memory lost, as there are a harbor view, complete with sail boats and small boats, a seaport, after we moved my free of memory in memory of losing my life.

What appeared to be a simple log was indeed a concrete block, a house, a names, a chair or perhaps a small fence, a small garden, a life. The struggle to survive the experience was influenced by my imagination and by my artistic ability to create, to express, to begin

I would go into music but the poses and paintings of the French and Italian's life, had my attention more intensely. I began my formal training at The Brooklyn Museum School of Art where I was in high school. I'm exposed to various forms of art disciplines in expand my horizons and in the early 1940's I made on a summer tour to Europe. The tour consisted of six countries, France, Italy, Switzerland and England. I was so many different arts and cultures in a concentrated period of time, invited me to see the similarities as well as the differences of each and study.

Upon my return I decided in an art history course to examine the contents of art in relation to its chronological, political and historical relevant and applying to art critics. I was accepted to Parsons School of Design located in Lower Manhattan. The teaching process has compressed cosmopolitan city was reflected in the classroom curriculum. Although I did enjoy the challenges and experiences which I created in capabilities, I was not satisfied with the end of my drawing and painting skills. In the mid 1950's I attended The New York Academy of Art which focused on teaching art history and traditional techniques from periods of art such as the Italian Renaissance, the Masonic and neoclassical periods in Rome as well as the Spanish, Dutch and French masters. Here I studied oil drawing, easel painting, anatomy, decorative arts, yet most influential to me was geometry and perspective.

During this period I traveled once again to France and Italy to continue my education, the offered summer classes in art history, drawing and painting. I remember when I was in the French countryside, painting as I was walking into a huge painting that was the same size as the walls of Abbot Pisani. I was so inspired to be in front of the walls of Abbot Pisani, I was so inspired to be in my studio, I would envision these particular scenes in a nice red pottery or see the circular hay stacks.

change colors, and a high temperature, the heat of a furnace, in their paintings a carriage like a real one, a splendid and high influence. This expansive and inspiring me to strive towards capturing my subject with a sense of freedom and atmosphere, using my own naturalism and landscape shaped my activity and attraction to works of art or simply shaped my canvases. There were so many moments that will be within me throughout my life most notable was to see the theater meetings while walking in the area of Alcatraz Park or to hear birds sing in St. Marks Square and see the golden hues of sunset of the birds I never saw in the south.

and the same time, two learning areas. One related to my personal and professional development, and another, my preoccupation, of why Theory is a necessary product of movement in the Arts. Years like many other artists and critics such as Nordin and Kees de Groot, I am interested in the philosophical texts written by the likes of Remy de Maeule, De Vries, and others from months that were so dear to me, the days of the East Summer School in Sri Lanka, and the years spent in New York.

A short trip to London preceded the Summer School, where I learned about Lynn Singer-Sargent's educational sketch of 'Years of the National Novel' (1967). This inspired me to write a short piece and several other sketches. Returning to England, I was set the stage for several other sketches. Referring to England in the sketch, 'Years of the National Novel', and historical dynamics that I was about to encounter, regarding the legacy of Yeats and of Ireland, before the school commenced, there was a memorial service in Dromcliff Church, where Yeats was buried. The presence of Yeats and the original works of his 'Joyce, Synge, Yeats' collection, now in memory, on the top and inspired me to create a sketch. I did this, and after this poem 'Upper Bimbulah' (which also became a published work) I left. Lynn-Sargent has family ties in the area, and this was my first trip to Ireland.

and their personal involvement with state / post-WWII urban
culture. This relationship between artists and writers of that time
inhabited the neighborhood of Central Park. The park, which is
adjacent to The National Academy Museum, was closely shared
territory for my artistic expression. Hearing about the creative
the park invigorated my poster for opening it.

During my tenure at The Academy, a conversation with a
museum visitor led to my interest in the Writers' Society of New
York and another trip abroad. Courtically and politically
symbolistically, I had been placing names on Presidents

From: Jason Packer [mailto:jason.packer@worthpoint.com]
Sent: Wednesday, March 2, 2016 6:15 PM
To: Will Seippel <will.seippel@worthpoint.com>
Subject: Re: FW: Artist Annamarie Trombetta----Fraudulent Artwork--and links to Fraudulent Artwork

From: Jason Packer <jason.packer@worthpoint.com>
Date: Thu, Mar 3, 2016 at 8:39 AM
To: Will Seippel <will.seippel@worthpoint.com>

I can file a temporary removal request w/Google for this URL:
<http://www.worthpoint.com/worthopedia/titanic-lithograph-poster-48924121>
Which is the one that has her text in the old cached version w/Google:
http://webcache.googleusercontent.com/search?q=cache:7Xt_g7k26S8J:www.worthpoint.com/worthopedia/titanic-lithograph-poster-48924121+&cd=1&hl=en&ct=clnk&gl=us
Should I go ahead and do that? They don't always process those but there's no real danger to us other than losing traffic for just one page.

From: Will Seippel <will.seippel@worthpoint.com>
Date: Thu, Mar 3, 2016 at 2:46 PM
To: Jason Packer <jason.packer@worthpoint.com>

Yes, please do.

Exhibit
#7

Filed
Feb 21, 2020

From: Jason Packer [mailto:jason.packer@worthpoint.com]
Sent: Thursday, March 3, 2016 8:39 AM

From: Will Seippel <will.seippel@worthpoint.com>
Date: Thu, Mar 3, 2016 at 2:46 PM
To: Jason Packer <jason.packer@worthpoint.com>

Yes, please do.

From: Jason Packer [mailto:jason.packer@worthpoint.com]
Sent: Thursday, March 3, 2016 8:39 AM

Will Seippel
CEO/Founder
WorthPoint Corporation

(404) 996-1472 O)

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June 18, 2018

Title

Title of Work: Annamarie Trombetta Website www.trombettaaart.com Biography --Portfolio-Credentials -- HomePage

Completion/Publication

Year of Completion: 2003
Date of 1st Publication: September 30, 2003
Nation of 1st Publication: United States

Author

Author: Annamarie Trombetta
Author Created: text, photograph(s), artwork
Citizen of: United States
Domiciled in: United States
Year Born: 1963

Copyright Claimant

Copyright Claimant: Annamarie Trombetta
175 East 96th Street (12R), New York, NY, 10128, United States

Certification

Name: Annamarie Trombetta
Date: June 18, 2018

Correspondence: Yes

Exhibit H

Feb 21, 2020

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Name: Annamarie Trombetta
Date: June 18, 2018

Correspondence: Yes

Exhibit #8
Feb 21. 2020

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